

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 TODD ROBERT HAMILTON, *et al.*,

14 Defendants.

CASE NO. CR11-0415-JCC

ORDER

15 This matter comes before the Court on the Defendant Gary Aardema's Motion to Seal
16 Exhibit 1 to Defendant's Sentencing Memorandum. (Dkt. No. 1055.) Having considered the
17 briefing and the relevant record, the Court GRANTS the motion for the reasons below.

18 **I. DISCUSSION**

19 The First Amendment protects the public's right of access to criminal trials. *See, e.g., Globe*
20 *Newspaper Co. v. Super. Ct. for Norfolk Cty.*, 457 U.S. 596, 606 (1982). The public also has a
21 common law right to inspect and copy public records, including those from judicial proceedings.
22 *See Nixon v. Warner Commc 'ns*, 435 U.S. 589, 597 (1978). But these rights are not absolute. They
23 must yield when (1) sealing a document serves a compelling interest, (2) that is substantially likely
24 to be harmed if the document is not sealed, and (3) there are no less restrictive alternatives for
25 protecting the interest. *See United States v. Doe*, 870 F.3d 991, 998 (9th Cir. 2017).

26 Aardema asserts that Exhibit 1 to his sentencing memorandum contains information of a

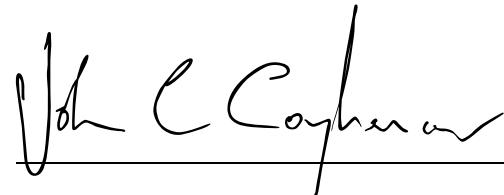
1 “sensitive and confidential nature . . . which, if made public, could result in irreparable harm to
2 [him] and his family.” (Dkt. No. 1055 at 1.) The Court has reviewed Exhibit 1 and finds that sealing
3 serves a compelling interest in protecting the privacy and safety of Aardema and his family. The
4 procedural posture of the case—Aardema has already been sentenced—also favors sealing. *Cf.*
5 *Perry v. Brown*, 667 F.3d 1078, 1087 (9th Cir. 2012) (parties’ reliance interest in maintaining
6 confidentiality of previously sealed records favored keeping them under seal). There is a
7 substantial likelihood of harm to these interests if the exhibit is unsealed, and there are no less
8 restrictive ways for protecting these interests. Additionally, Aardema’s motion is unopposed.

9 **II. CONCLUSION**

10 For the foregoing reasons, the Court hereby GRANTS Aardema’s motion (Dkt. No.
11 1055).

12 DATED this 9th day of September 2021.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE